

1 THE HONORABLE MARSHA J. PECHMAN
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 ELTON MASON, an individual, dba
11 WASHINGTON STATE TRUCKING, a
12 sole proprietorship,

Plaintiffs,

13 vs.

14 SEATTLE TUNNEL PARTNERS, a Joint
15 Venture, Dragados, USA, and Tutor Perini
16 Corporation,

Defendants.

Case No. 2:17-cv-00186-MJP

████████ ORDER GRANTING
DEFENDANTS' MOTION FOR
AWARD OF FEES AND COSTS

NOTED FOR HEARING:
DECEMBER 7, 2018

████████ ORDER GRANTING DEFENDANTS'
MOTION FOR AWARD OF FEES AND COSTS
Case No. 2:17-cv-00186-MJP

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ORDER

The Court has now considered the following materials regarding Defendants Seattle Tunnel Partners, a Joint Venture, Dragados USA, Inc., and Tutor Perini Corporation's ("the STP Defendants") Motion for Award of Fees and Costs:

- The STP Defendants' Motion for Award of Fees and Costs, as well as the supporting declaration and all attached exhibits;
- Plaintiff's opposition to the motion, if any, as well as any supporting declaration and attached exhibits;
- The STP Defendants' Reply Brief, if any, including any supporting declaration and attached exhibits; and
- All other pleadings and orders on file in this case.

Having thoroughly reviewed these materials and considered the arguments of both parties, the Court is now prepared to rule as follows: IT IS HEREBY ORDERED that the STP Defendants' Motion is GRANTED.

Pursuant to FRCP 37(a)(5), the Court previously awarded the STP Defendants their reasonable costs and fees incurred during the meet and confer. *See* Dkt. Nos. 95, 98. The Court directed the STP Defendants to file a motion for an award of reasonable fees and costs. Dkt. No. 98.

The STP Defendants have requested \$2,700 in legal fees for only their time expended during the meet and confer, and they have supported their request with billing records and a declaration from their lead counsel. Having reviewed the relevant materials, the Court expressly finds that the hourly rates charged by the STP Defendants' counsel and the hours expended by counsel are both reasonable and support an award of the requested fees.

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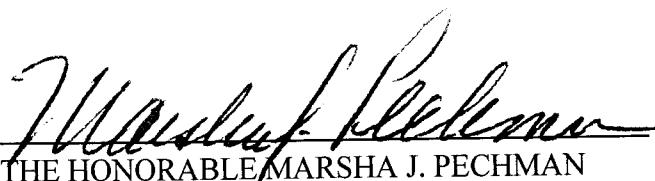
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ORDER GRANTING DEFENDANTS' MOTION FOR AWARD OF FEES AND COSTS - 1

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1 Accordingly, IT IS HEREBY ORDERED that, within 14 days of the date of this Order,
2 Plaintiff shall pay to the STP Defendants the amount of \$2,700 in connection with their fee award.

3 DATED this 6th ^{December} day of November, 2018.

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6 THE HONORABLE MARSHA J. PECHMAN
7 UNITED STATES DISTRICT COURT JUDGE

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10 Presented by:

11 **CALFO EAKES & OSTROVSKY PLLC**

12 By s/ Patricia A. Eakes
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14 By s/ Nathan Bays
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22 *Attorneys for Defendants, Seattle Tunnel Partners, a Joint
23 Venture, Dragados USA and Tutor Perini Corporation*

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25
[REDACTED] ORDER GRANTING DEFENDANTS'
MOTION FOR AWARD OF FEES AND COSTS - 2
Case No. 2:17-cv-00186-MJP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 19, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants.

DATED this 19th day of November, 2018.

s/George Barrington

George Barrington Legal Assistant

ORDER GRANTING DEFENDANTS' MOTION FOR AWARD OF FEES AND COSTS - 3
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